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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> KPB-002.01
		<b>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)</b> <b>10/564051</b>
<b>INTERNATIONAL APPLICATION NO.</b> PCT/JP2003/008762	<b>INTERNATIONAL FILING DATE</b> July 10, 2003	<b>PRIORITY DATE CLAIMED</b> July 10, 2003
<b>TITLE OF INVENTION</b> PACEMAKER SYSTEM FOR TREATING SLEEP APNEA SYNDROME		
<b>APPLICANT(S) FOR DO/EO/US</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"><li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li><li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li><li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li><li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li><li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none"><li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li></ol></li><li>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none"><li>a. <input checked="" type="checkbox"/> is attached hereto.</li><li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li></ol></li><li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li></ol></li><li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li><li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li><li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li></ol>		
<b>Items 11 to 20 below concern document(s) or information included:</b>		
<ol style="list-style-type: none"><li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li><li>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li><li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li><li>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li><li>15. <input type="checkbox"/> A substitute specification.</li><li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li><li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</li><li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li><li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li><li>20. <input type="checkbox"/> Other items or information:</li></ol>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
U.S. APPLICATION NO. 06/044,031INTERNATIONAL APPLICATION NO.  
PCT/JP2003/000906ATTORNEY'S DOCKET NUMBER  
KPB-001.01

The following fees are submitted:

21. ☒ Basic national .....\$300

CALCULATIONS

PTO USE ONLY

\$ 300.00

22. ☒ Examination FeeIf international preliminary examination report prepared by USPTO and all claims satisfy provisions of  
PCT Article 33(1)-(4) .....\$100

\$ 200.00

All other situations .....\$200

23. ☒ Search fee

Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an

International Searching Authority .....\$100

\$ 500.00

International Search Report prepared and provided in the Office .....\$400

All other situations .....\$500

TOTAL OF 21, 22 and 23 =

\$ 1,000.00

☐ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence  
listing or computer program listing filed in an electronic medium). The fee is \$250 for each  
additional 50 sheets of paper or fraction thereof

Total Sheets

Extra sheets

Number of each additional 50 or fraction  
thereof (round up to a whole number)

RATE

- 100 =

0/50 =

x

\$ 250

\$ 0

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest  
claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS

NUMBER FILED

NUMBER EXTRA

RATE

\$

Total claims

- 20 =

0

x

\$ 50

\$ 0

Independent claims

- 3 =

0

x

\$ 200

\$ 0

MULTIPLE DEPENDENT CLAIM(S) (if applicable)

+

\$ 360

\$

TOTAL OF ABOVE CALCULATIONS =

\$ 1,000.00

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

\$

SUBTOTAL =

\$ 1,000.00

Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest  
claimed priority date (37 CFR 1.492(f)).

+

\$

TOTAL NATIONAL FEE =

\$1,000.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied  
by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

+

\$ 40.00

TOTAL FEES ENCLOSED =

\$

Amount to be

refunded:

\$

Amount to be

charged:

\$1,040.00

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 06-1448 in the amount of \$ 1,040.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit  
Account No. 06-1448. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not  
be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed  
and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

FOLEY HOAG, LLP

Seaport World Trade Center West

155 Seaport Blvd.

Boston, MA 02210-2600

SIGNATURE

January 9, 2006

NAME

Joseph Teja, Jr., Registration No. 45,157

REGISTRATION NUMBER

10/564051

PATENTS  
Attorney Docket No. KPB-002.01

1AP20 Rec'd PGT, PTO 09 JAN 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Suga et al.

For: PACEMAKER SYSTEM FOR  
TREATING SLEEP APNEA  
SYNDROME

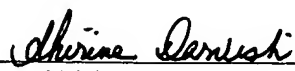
**CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10**

I hereby certify that the following papers:

- Patent-Application Transmittal Concerning a Submission Under 35 U.S.C. 371 (2 Pages) and Duplicate Copy (2 Pages)
- Verification of Translation (8 Pages)
- Patent Application
  - Specification (18 pages) and
  - Drawings (2 sheets)
- WO 2005/004986 A1 (21 Pages)
- Declaration (2 Pages)
- Information Disclosure Statement (3 Pages)
- PTO-Form 1449 (1 Page)
- Cited Foreign Reference WO01/41868A1
- Assignment Recordation Coversheet (1 Page)
- Assignment (3 Pages)
- Preliminary Amendment (6 pages)
- Application Data Sheet (3 Pages)
- Return Receipt Postcard

are being deposited with the United States Postal Service on January 9, 2006, with sufficient postage as Express Mail, Express Mail No. EV 479562916 US in an envelope addressed to:

Mail Stop: PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450.8

  
Shirine Darvish

10/564051

AP20 Rec'd PCT/PTO 09 JAN 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re International Application of SUGA, Chikashi et al  
International Serial No.: PCT/JP2003/008762  
International Filing date: July 10, 2003  
For: PACEMAKER SYSTEM FOR TREATING SLEEP APNEA  
SYNDROME

VERIFICATION OF TRANSLATION

Honorable Commissioner of Patents and Trademarks  
Washington D.C. 20231

Sirs:

KUZUWA, Kiyoshi residing at T&T Bldg., 8-21, Tomihisa-cho, Shinjuku-ku, Tokyo, Japan, declares:

(1) that he knows well both Japanese and English languages;


(2) that he translated the above-identified International Application from Japanese to English;

(3) that the attached English translation is a true and correct translation of the above-identified International Application to the best of his knowledge and belief; and

(4) that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such false statements may jeopardize the validity of the application or any patent issuing thereon.

November 9, 2005

Date

  
KUZUWA, Kiyoshi